

**PROMOTION OF ACCESS TO INFORMATION ACT,
ACT 2 OF 2000 (“PAIA”)**

**SECTION 51 MANUAL FOR
CILLIERS LAW INC
ATTORNEYS**

Company Registration Number 2015/246232/21

(hereinafter also referred to as "the Firm")

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ACCESS TO INFORMATION ACT 2 OF 2000**

1. INTRODUCTION TO THE FIRM

Cilliers Law Inc is an attorneys firm. Its only director, shareholder and employee is Andries Charl Cilliers, a practicing attorney. The firm is a member of the Cape Law Society.

2. PARTICULARS IN TERMS OF SECTION 51

CONTACT DETAILS (Section 51(1)(a))

The Firm will deal personally with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

Postal address:	Suite 290 Private Bag X1 Melkbosstrand 7437
Street address:	6 Prestwick Close Atlantic Links Estate Melkbosstrand 7441
Telephone:	+27 (021) 553 0795
Facsimile:	(086) 573 2356
Email:	charl@cillierslaw.co.za

3. THE GUIDE AS DESCRIBED IN SECTION 10. (Section 51(1)(b))

The guide will be available from the Human Rights Commission. Please direct any queries to:

**The Human Rights Commission: PAIA Unit
The Research and Documentation Department**

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Postal address: Private Bag X2700
HOUGHTON
2041

Telephone: +27 (011) 484 8300

Facsimile: +27 (011) 484 0582

Website: <http://www.sahrc.org.za>

E-mail: PAIA@sahrc.org.za

**4. CATEGORIES OF RECORDS OF THE FIRM WHICH ARE AVAILABLE WITHOUT A
PERSON HAVING TO REQUEST ACCESS IN TERMS OF SECTION 52(2) OF THE ACT.
(Section 51(1)(c))**

No such records have been made available to the Minister nor have any been published.

RECORDS READILY AVAILABLE:

- Certificate of Admission as Attorney of the High Court of South Africa
- Fidelity Fund Certificate

5. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION (Section 51 (1) (d))

The Firm keeps information / documents in accordance with the following legislation (please note that this is not an exhaustive list):

- Unemployment Insurance Act No 63 of 2001
- Income Tax Act No. 58 of 1962
- Value Added Tax Act No. 89 of 1991
- Attorneys Act No. 53 of 1979
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 71 of 2008

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6. HOW TO REQUEST A RECORD. A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY THE FIRM AND THE CATEGORIES IN WHICH THESE SUBJECTS ARE CLASSIFIED. (Section 51(1)(e))

6.1 How to request a record (Prescribed form)

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. The form to be used is Form B (Request for Access to Record of Private Body) as published in Government Gazette No. 22125 (Regulation Gazette No. 7024) dated 09 March 2001, alternatively Form C as published in Government Notice No. R187 of 15 February 2002, published Pursuant to the Provisions of Regulation 10 of the Promotion of Access to Information Act, 2000. A copy of this form is also available on the website of the Human Rights Commission at www.sahrc.org.za.
- This request must be made to the Firm at the address, fax number or electronic mail address as stipulated above.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for exercise or protection of that right.
- If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

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- The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The head of the private body will then make a decision on the request and notify the requester in the required form.

6.2 Subjects and Categories of records held by the Firm

The Firm maintains financial records as well as records of legal opinions, drafted documentation, communication with and, in general, legal advice rendered to or on behalf of its clients. **However, please note that recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

Please note further that most, if not all, of the records held by the Firm are those of third parties, including but not limited to records of its clients, more particularly, clients on whose instructions it acts, and are covered by legal professional privilege. As the Firm is bound by the rules of legal professional privilege and takes the protection of third party confidential information very seriously, requests for access of any of these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

7. OTHER INFORMATION AS MAY BE PRESCRIBED (Section 51(1)(f) of the Act)

This manual is available from the South African Human Rights Commission (see details above), and the Firm (refer paragraph 1).

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8. FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) Stiffy disc	7,50
(ii) Compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) Stiffy disc	7,50
(ii) Compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00

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- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
- (ii) For a copy of an audio record 30,00
- (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

9. FURTHER INFORMATION

- The guide referred to in paragraph 2 above has been compiled in terms of Section 10 of PAIA by the Human Rights Commission and contains information required by a person wishing to exercise any right contemplated by PAIA.
- The Guide (which is available in all official languages) is available for inspection, *inter alia*, at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Streets, Parktown and on its website at www.sahrc.org.za.
